

## Article - Environment

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§9–657.

(a) The sanitary commission shall classify each parcel of property on which it may make a benefit assessment as:

- (1) Agricultural;
- (2) Business or industrial;
- (3) Small acreage;
- (4) Subdivision; or
- (5) A subclass of any of those classes.

(b) The sanitary commission may change the classification of a parcel of property when the use of that parcel justifies its classification in another class or subclass.

(c) Except as otherwise provided in this subtitle, the sanitary commission shall assess property:

- (1) On a front-foot basis; or
- (2) Under uniform rules and regulations adopted for the district and approved by the member counties.

(d) (1) Except as otherwise provided in this section, the sanitary commission shall make front-foot assessments that, each year, are as uniform as is reasonable and practical for each class or subclass of property in each service area.

(2) Unless the parcel has an irregular shape, the sanitary commission shall determine the front-foot assessment for each parcel on the basis of the length of the parcel along the way in which the water pipe or sewer pipe is laid.

(3) If a parcel has an irregular shape, the sanitary commission shall determine the front-foot assessment in a fair and reasonable manner.

(e) As to a parcel classified as agricultural:

(1) The sanitary commission may not make a front-foot assessment until a water or sewer connection is made to the parcel; and

(2) When the water or sewer connection is made, the sanitary commission may not compute a front-foot assessment on the parcel for more than 300 feet of frontage.

(f) As to a parcel classified as subdivision:

(1) Even if the water pipe or sewer pipe does not extend along the entire frontage of the parcel, the sanitary commission may make a front-foot assessment;

(2) Unless the parcel abuts parallel streets, the sanitary commission may not make a front-foot assessment for more than 1 side of the parcel; and

(3) If the parcel is on a corner, the sanitary commission may average the frontage of the parcel and determine the front-foot assessment for the parcel in a fair and reasonable manner.

(g) The sanitary commission may make for a parcel a front-foot assessment that is less than the assessment levied on other parcels in the service area, if the parcel is served by a system:

(1) That is acquired by the sanitary commission;

(2) That was not a municipal system; and

(3) Whose cost to the sanitary commission was affected by the fact that the construction costs of the system were any part of the purchase price of the parcels serviced by the system.

(h) To acquire revenues needed to carry out the purposes of this section, the sanitary commission may change the front-foot assessment for each class and subclass of property.

(i) (1) In this subsection "Bonnie Brook Service Area" includes the Bonnie Brook Sanitary District.

(2) In the Bonnie Brook Service Area, in order to make capital improvements and repairs or to establish a reserve for capital improvements and repairs, the Dorchester County Sanitary Commission may make a uniform assessment on each lot that abuts on a way in which a water main is laid.

(3) An assessment under this subsection is in addition to any charges made under § 9-662 of this subtitle.

(4) An assessment under this section shall be based on a flat fee for each lot under uniform rules and regulations approved by the Dorchester County Commissioners.

(j) (1) In this subsection, “service area number 1” includes sanitary district number one.

(2) In service area number 1, the Dorchester County Sanitary Commission shall impose, on each parcel that abuts any way in which a sewer is built, a benefit assessment of at least \$50.

(k) The sanitary commission shall give to the owner of each parcel of property written notice of:

(1) The class and subclass of the parcel;

(2) If a front-foot assessment method is used, the number of feet assessed and the assessment for each foot;

(3) If a method other than front-foot assessment is used, the assessment made on the parcel; and

(4) The time and place of the hearing to which the owner is entitled under this subsection.

(l) The sanitary commission shall serve the owner with the notice by:

(1) Mailing the notice to the last known address of the owner;

(2) Leaving the notice with an adult who occupies the parcel; or

(3) Posting a copy of the notice on the parcel, if the parcel is vacant or unimproved.

(m) Subject to a hearing under subsection (n) of this section, a decision of the sanitary commission as to a classification or a benefit assessment is final.

(n) The sanitary commission:

(1) Shall give each property owner an opportunity for a hearing before the sanitary commission;

(2) Shall hold the hearing in accordance with the Administrative Procedure Act; and

(3) After the hearing, may adjust a classification or benefit assessment as appropriate.

(o) A benefit assessment shall be paid each year for a period of years that is coextensive with the maturity date of the bonds that financed the construction that was the subject of the benefit assessment.

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